IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

FRIDAY, THE TENTH DAY OF DECEMBER
TWO THOUSAND AND FOUR

PRESENT

THE HON'BLE MR JUSTICE N.V. RAMANA

WRIT PETITION NO : 18815 of 2004

Between:

P.Saroja @Sarojanamma W/o Late P.Shyam Sunder Rao
chandamet Village and Mandal Nalgonda District

..... PETITIONER

AND

1 The District Collector (Panchayat Wing), Nalgonda
Nalgonda District
2 The Divisional Panchayat Officer Miryalguda, Nalgonda District
3 The District Panchyat Officer Nalgonda, Nalgonda District

..RESPONDENTS

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court will be pleased to issue a direction, writ or order, particularly one in the nature of Mandamus: a) declaring the action of the respondents in not paying the differential amount for the works already executd by petitioner's late husband as Sarpanch of Chandampet village and Mandal, Nalgonda District for the works already measured and the amount determined by the respondents ie..for an amount of Rs. 18,691/- and also to declare that not measuring the works alredy executed by petitioner's late husband for laying the pipelines and fixing the taps for supply of drinking water in the said village for wich petitioner's late husband has spent Rs. 40,000/- and not paying the same in arbitrary and illegal. b) directing the respondents to pay the amounts after determining the amount for works executed by my late husband fortwith.

Counsel for the Petitioner:MR.M.RAMA RAO

Counsel for the Respondents: GP FOR PANCHAYAT RAJ & RURAL DEV.

The Court at the stage of admission made the following :

ORDER:

It is stated in the affidavit filed in support of the writ petition that husband of the petitioner was Sarpanch of Chandampet village, Nalgonda district, and during his tenure he has executed several contract works under Jawahar Rozgar Yojana and spent about Rs.1,75,011/-. That her husband made several representations to the Executive Engineer, Panchayat Raj, Miryalguda, Nalgonda and Deputy Executive Engineer, Deverkonda, Nalgonda district to measure the works and to pay the due amount and complains that no action was taken and her husband died on 6-7-2000. Thereafter an order dated 12-4-2002 was issued for recovery of Rs.1,06,286/- for which the petitioner submitted her explanation. Thereafter an enquiry was stated to have been conducted and a report dated 1-8-2002 was submitted stating that though an amount of Rs.1,06,286 was sanctioned, the petitioner's husband executed works to a tune of Rs.1,25,247/- and due to death of husband of the petitioner, the differential amount need not be paid. Based on the said report, the order dt 12-4-2002 was withdrawn and no orders were passed for payment of the balance due amount. Hence, the present writ petition.

Learned Government Pleader for Panchayat Raj submitted that after verification of the records, the amounts, if any, payable to the husband of the petitioner would be paid.

Heard learned counsel for petitioner and learned Governed Government Pleader for Panchayat Raj. Both the counsel agreed for disposal of the writ petition at the admission stage.

Having regard to the facts and circumstances of the case, the writ petition is disposed of directing the respondents to examine the relevant record and determine the amounts payable to the husband of the petitioner, if any. If on determination, it is found that any amount is payable to the petitioner, the respondents are directed to pay the same within a period of two months from the date of receipt of copy of this

order. No costs.

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N.V.RAMANA, J

10-12-2004

TVK

..... REGISTRAR

// TRUE COPY //

SECTION OFFICER

To

1 The District Collector (Panchayat Wing), Nalgonda
Nalgonda District
2 The Divisional Panchayat Officer Miryalguda, Nalgonda District
3 The District Panchyat Officer Nalgonda, Nalgonda District

4.2CCs to G.P. for Panchayat Raj, High Court of A.P Buildings, Hyd (OUT)

5.2CD copies

6.2CCs to